Government of Kerala
1980

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Monday, 16th June 1980 / 26th Jyaistha 1902 [No. 397

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 4792/LA4/80. *Dated, Trivandrum, 16th June, 1980.*

The Kerala Criminal Law Amendment Bill, 1980 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1980.

33/2167/MC.

Sixth Kerala Legislative Assembly

Bill No. 16

THE KERALA CRIMINAL LAW AMENDMENT BILL, 1980

A

BILL

further to amend the Indian Penal Code and the Prevention of Corruption Act, 1947, *in their application to the State of Kerala.*

Preamble.—WHEREAS it is expedient further to amend the Indian Penal Code and the Prevention of Corruption Act, 1947, in their application to the State of Kerala, for the purposes hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Criminal Law Amendment Act, 1980.

(2) It shall come into force at once.

2. *Amendment of section* 161, *Central Act* 45 *of* 1860.—In section 161 of the Indian Penal Code (Central Act 45 of 1860), as amended by the Kerala Criminal Law Amendment Act, 1962 (27 of 1962), in the *Explanation* relating to 'Public Servant'—

(a) for item (vi), the following item shall be substituted, namely:—

"(vi) Every teacher or other officer or servant of any University established by an Act of the Kerala State Legislature or a law made by the President in exercise of the powers vested in him under sub-clause (a) of clause (1) of article 357 of the Constitution or an Ordinance promulgated by the Governor of Kerala under article 213 of the Constitution;";

(b) for item (viii), the following item shall be substituted, namely:—

"(viii) Every manager or teacher or servant of an educational institution which receives or has received aid or grant from the Government or any University referred to in clause (vi).".

3. *Amendment of Central Act* 2 *of* 1947.—In the Prevention of Corruption Act, 1947 (Central Act 2 of 1947), as amended by the Kerala Criminal Law Amendment Act, 1962 (27 of 1962),—

(i) in section 2, the words and figures "and the Kerala Criminal Law Amendment Act, 1980" shall be inserted at the end;

(ii). in section 6, clause (bb) of sub-section (1), for the words "save by or with the sanction of the State Government", the words and figures "and the Kerala Criminal Law Amendment Act, 1980, of the State Government" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The expression "public servant" as explained in clauses (vi) and (vii) of the Explanation relating to "public servant", inserted in section 161 of the Indian Penal Code by section 2 of the Kerala Criminal Law Amendment Act, 1962, (27 of 1962), includes every teacher or other officer or servant of the University of Kerala and every manager or teacher or servant of an educational institution which receives, or has received, aid or grant from the Government or the University of Kerala. The Kerala Criminal Law Amendment Act, 1962, also amended section 2 of the Prevention of Corruption Act, 1947, to bring the above categories within the purview of the expression 'public servant' as defined in section 2 of that Act and for certain other matters.

2. Three new Universities, namely, the Calicut University, the Cochin University and the Kerala Agricultural University, have come into existence in the State after the enactment of the Kerala Criminal Law Amendment Act, 1962. It is considered necessary to include officers and servants of the said Universities and managers, teachers and servants of educational institutions which receive, or have received, aid or grant from the said Universities also within the scope of the expression "public servant". It is also considered necessary to bring them within the purview of the Prevention of Corruption Act, 1947.

3. The Bill is intended to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation will not entail substantial additional financial commitment from the Consolidated Fund of the State since no appointment of additional staff is contemplated in the Vigilance Department. But there may be marginal increase in expenditure under travelling and daily allowances of the officers of the Vigilance Department and the witnesses. The additional expenditure which will have to be incurred on this account cannot now be estimated with any degree of accuracy.

T. K. RAMAKRISHNAN

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1980

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GOVERNMENT OF KERALA

Abstract

LAND REVENUE DEPARTMENT—ESTABLISHMENT—THE KERALA REVENUE SERVICE (TAHSILDARS)—SPECIAL RULES—ISSUED

REVENUE (C) DEPARTMENT

G.O. (P) No. 853/80/RD. **Dated, Trivandrum, 16th June 1980.**

NOTIFICATION

S. R. O. No. 552/80.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), and in supersession of the Special Rules for the Kerala Revenue Service published under Notification G. O. (P) No. 529/Revenue dated the 25th May 1974 as S. R. O. No. 368/74 in the Kerala Gazette Extraordinary No. 446 dated the 25th May, 1974, and all other existing rules and orders on the subject, the Government of Kerala hereby make the following Special Rules for the Kerala Revenue Service, namely:—

RULES

1. *Short title and Commencement.*—(a) These rules may be called the Kerala Revenue Service Special Rules, 1980.

(b) They shall be deemed to have come into force on the 25th September, 1962.

2. *Constitution.*—The service shall consist of Tahsildars.

3. *Definition.*—In these rules, 'Tahsildars', shall mean and include Taluk Tahsildars, Huzur Sheristadars, Tahsildars on special duty and Superintendents in all offices of the Department including the Office of the Board of Revenue (Land Revenue and Survey) and Land Board.

4. *Appointment.*—(1) Appointment of Tahsildars shall be made by recruitment by transfer from among full members and approved probationers in the Kerala Revenue Subordinate Service.

(2) Appointment of Tahsildars shall be made from select lists prepared from among eligible officers on the basis of merit and ability, seniority being considered only where merit and ability are approximately equal. Persons included in a select list shall be ranked in the order of their seniority in the category of Deputy Tahsildars.

5. *Appointing authority*—The appointing authority of Tahsildars shall be the Board of Revenue.

6. *Qualifications.*—No person shall be eligible for appointment to the service unless he—

(a) holds a degree in law of a recognised University or has passed the Criminal Judicial Test; and

(b) has passed the following departmental tests:—

(i) Revenue Test (All parts);

(ii) Account Test (Lower) or Account Test for Subordinate Officers, Part I (Madras); and

(iii) Survey Test (Higher):

Provided that the qualification under clause (a) shall be deemed to have become compulsory with effect from 17-10-1966:

Provided also that a pass in Survey Test (Higher) shall be made compulsory only from the 1st January, 1974.

7. *Probation*—Every person appointed as Tahsildar shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years.

Note—A member of the service deputed or appointed on other duty to discharge the duties of another post shall be eligible to count the period of such deputation or appointment for probation in the service in which he was a probationer at the time of his deputation or appointment or in the service in which he would have been a probationer but for his deputation or appointment.

8. *Training*—Every person appointed as Tahsildar shall, before declaration of completion of his probation successfully, undergo Magisterial training for a period of eight weeks (six weeks in the Police Department and two weeks in the Judicial Department) as detailed in the Annexure to these rules, if he has not undergone the training before appointment to the service.

9. *Unit of appointment, discharge, re-appointment, seniority and appointment as full member*—For the purpose of appointment to the service, discharge, re-appointment, seniority and appointment as full member, the State shall be the unit.

ANNEXURE

(*See* rule 8)

Scheme of Training

1. With the Deputy Superintendent of Police (3 weeks):

(1) During this period, the trainee should halt in a few villages, specially selected for this purpose; and see the records and duties of the Police Station relating to the Village and to the settlement of disputes and criminal matters—major and minor. He should also see a number of minor investigations and enforcement of special and local laws.

(2) The trainee should be given an idea of the organisation and equipment of local Police Stations, the volume of work of different types they have to do and the way they are attended to and supervised, with particular reference to their relation to the Magistrates viz., duties of the Police in cases with reference to the Court during the investigation before a charge sheet is laid.

2. With the Inspector of Police (1 week):

The trainee should be attached for a week with the Police Inspector. During this week and in the other two weeks already mentioned, it will be the duty of the Inspector, under the Deputy Superintendent's directions, to take the trainee for major investigations and give him also a clear picture of the method of supervision by Inspector both on the field and by inspection of station.

3. With the District Superintendent of Police (2 weeks):

(1) One week with the Armed Reserve in the morning and in the District Police Office for the rest of the day. During this period the following matters will be explained:—

(a) the general organisation of the Police and the method of superintendence by the Superintendent of Police of the District through the various Registers and Records, besides inquiries at the spot;

(b) the equipment of the Police in the matter of armament and transport and their use should be explained. In particular the effectiveness and appropriate circumstances for the use of different kinds of fire arms, lathy, tearsmoke, etc;

(c) Practice will be held on mob operation during a few periods.

(2) The Superintendent of Police of the District should personally instruct the trainee on two days on mob operations, of equipment and have a demonstration of mob dispersal with all arms accompanied by a full explanation of the orders on mob operation (Chapter on mob operation in standing orders for Armed Police sanctioned in G.O. MS. No. 1069/Home (A) Department dated 6-9-1958) and the relative duties of the Police and the Magistracy.

(3) The Superintendent of Police of the District should arrange to have the trainee taken for the inspection of one rural and one town station by himself or by a Gazetted Officer. He should also be shown the history of one longstanding faction of communal or other character and the way the Police and the Magistracy can use their powers under the various Acts eg. sections 18 to 29, 37, 38 and 54 of the Kerala Police Act, 1960 (5 of 1961) and the preventive sections of the Criminal Procedure Code etc.

4. Programme of Training in the Judicial Department for Tahsildars (two weeks)—During this period the Chief Judicial Magistrate should permit them to peruse some of the old case files and Judgements. The Chief Judicial Magistrate should post them for one week under a Judicial Magistrate of the Second Class and for another one week in a Sub Divisional Judicial Magistrate's Court. They should watch the proceedings of the Courts and acquaint themselves thoroughly with the procedure at various stages.

By order of the Governor,

N. GOPALAKRISHNAN NAIR,
Special Secretary

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport)

Sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), confers power on the Government to make rules either prospectively or retrospectively to regulate the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the State. The Act came into force on the 17th September, 1968. In *State of Kerala V. Haridas* (1978 K. L. T. 238) a Full Bench of the Kerala High Court has held that on

a construction of sub-section (1) of section 2 of the Act the authority conferred on the Government under that sub-section is to make rules prospectively as also retrospectively but such retrospectivity does not extend to any period prior to the commencement of the Act. This decision has taken away the retrospective operation prior to the date of commencement of the Act, of various special rules issued under the Act with retrospective effect from dates prior to the date of commencement of the Act, causing administrative chaos and confusion, leading to reopening of settled matters. In order to sustain the retroactivity of the Special Rules for the Kerala Revenue Service issued in G.O. (P) No. 529/ Revenue dated 25-5-1974 and published in the Gazette Extraordinary No. 448 dated the 25th May, 1974, as S.R.O. No. 368/74, it has become necessary to re-issue the Special Rules, as amended subsequently.

The Committee on Subordinate Legislation (1976-77) has in the 13th Report recommended some amendments to the Special Rules for the Kerala Revenue Service. After careful consideration of those recommendations Government have decided to accept some of them and to incorporate them in the Special Rules.

This notification is intended to achieve the above objects.

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 4772/LA4A/80. *Dated, Trivandrum, 16th June* 1980.

The Public Wakfs (Extension of Limitation) Kerala Amendment Bill, 1980 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

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33/2165

Sixth Kerala Legislative Assembly

Bill No. 15

THE PUBLIC WAKFS (EXTENSION OF LIMITATION) KERALA AMENDMENT BILL, 1980

A

BILL

further to amend the Public Wakfs (Extension of Limitation) Act, 1959, in its application to the State of Kerala.

Preamble.—WHEREAS it is expedient further to amend the Public Wakfs (Extension of Limitation) Act, 1959, in its application to the State of Kerala, for the purpose hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Public Wakfs (Extension of Limitation) Kerala Amendment Act, 1980.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 1st day of January, 1976.

2. *Amendment of section* 3.—In section 3 of the Public Wakfs (Extension of Limitation) Act, 1959 (Central Act 29 of 1959), as in force in the State of Kerala, for the words, figures and letters "the 31st day of December, 1975", the words, figures and letters "the 31st day of December, 1983" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The period of limitation prescribed by the Public Wakfs (Extension of Limitation) Act, 1959 (Central Act 29 of 1959), as amended by the Public Wakfs (Extension of Limitation) Kerala Amendment Act, 1974 (1 of 1975), for filing suits for recovery of Wakfs properties expired on the 31st December 1975. The State Wakf Board has reported that there are still a considerable number of Wakf properties which have been unauthorisedly alienated and as such still under illegal possession and enjoyment and has requested for further extension of the period of limitation for filing suits for recovery of those properties. It is therefore proposed to further extend the period of

limitation upto 31st December, 1983, so as to enable the Wakf Board to file suits for recovery of possession of such properties. The Bill is intended to achieve this object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

P. M. ABUBACKER

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GOVERNMENT OF KERALA

Abstract

LAND REVENUE DEPARTMENT—ESTABLISHMENT—SPECIAL RULES FOR THE CATEGORIES OF HEAD CLERK/HEAD ACCOUNTANT, UPPER DIVISION CLERK AND LOWER DIVISION CLERK—ISSUED

REVENUE (C) DEPARTMENT

G.O. (P) No. 851/80/RD. **Dated, Trivandrum, 16th June 1980.**

NOTIFICATION

S.R.O. No. 550/80.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) as amended by the Kerala Public Services (Amendment) Act, 1979 (20 of 1979), and in supersession of all the rules and orders on the subject, the Government of Kerala hereby make the following Special Rules in respect of the posts of Head Clerks including Head Accountants, Upper Division Clerks and Lower Division Clerks borne on the establishment of the Land Revenue Department.

1. *Short title and commencement.*—(1) These Rules may be called the Special Rules for the categories of Head Clerk/ Head Accountant, Upper Division Clerk and Lower Division Clerk of the Kerala Land Revenue Department included in the Kerala Ministerial Subordinate Service.

(2) They shall be deemed to have come into force on the 1st November, 1956, except to the extent otherwise provided in these rules.

2. Categories of posts to which these rules shall apply are the following:—

(1) Head Clerk/Head Accountant

(2) Upper Division Clerk

(3) Lower Division Clerk

3. *Appointment.*—Appointment to the various categories shall be made as follows:—

Categories of posts (1)	*Method of appointment* (2)
1. Head Clerk/Head Accountant	By promotion from Upper Division Clerks.
2. Upper Division Clerk	(i) By promotion from Lower Division Clerks; (ii) By transfer from among qualified Upper Division Typists and Stenographers.

Note 1.—Upper Division Typists and Stenographers with the qualifications prescribed in these rules and having not less than ten years of service shall be appointed in every sixth vacancy arising in the constituent unit on and after 26-9-1968. Such Upper Division Typists and Stenographers shall, however, not be eligible for appointment as Upper Division Clerks unless they have put in the same length of service as the seniormost Lower Division Clerk awaiting promotion in the constituent unit. If eligible candidates from among Upper Division Typists and Stenographers are not available at the time of occurrence of the vacancy, the vacancy shall be filled up by promotion from qualified Lower Division Clerks.

Note 2.—The appointment of Upper Division Typists and Stenographers as Upper Division Clerks shall be on the basis of total length of service as Typist or Stenographer, as the case may be, in the ratio of 1:1 between Typists and Stenographers, subject to the condition that a Typist with longer service shall not be superseded by a Stenographer with lesser service.

3. Lower Division Clerk	(i) By direct recruitment; (ii) By transfer from among Copyists and Village Officers and Village Assistants;

(iii). By appointment of Lower Division Typists declared eligible for appointment as Lower Division Clerks as per G.O. MS. No. 301/PD dated 26-9-1968 of the Public (Services-D) Department.

Note 1.—The ratio between (a) direct recruitment (b) recruitment by transfer from among Copyists; and (c) recruitment by transfer from among Village Officer/Village Assistant from 25-11-1958 shall be 9:4:7.

Note 2.—If qualified hands are not available for transfer, the vacancies reserved for them shall be filled up by direct recruitment.

Note 3.—Lower Division Typists who are approved probationers or full members and having the prescribed educational qualification for admission to the competitive examination conducted by the Public Service Commission for selection of Lower Division Clerks shall be allowed to appear for the examination and those declared eligible as per G.O. MS. No. 301/PD dated 26-9-1968 for appointment as Lower Division Clerks shall be appointed in every sixth vacancy in the concerned unit according to their seniority among Lower Division Typists in the respective units on or after 26-9-1968. If no qualified candidate is available at the time of occurrence of the vacancy, such vacancies shall be filled up by direct recruitment.

4. *Unit of appointment.*—The Revenue district shall be the unit of appointment:

Provided that the area covered by the former State of Travancore-Cochin shall be deemed to be a single unit till 7-7-1959.

5. *Appointing Authority.*—The Collector of the district concerned shall be the appointing authority in respect of all the categories of posts:

Provided that in the area covered by the former State of Travancore-Cochin, the Secretary, Board of Revenve (Land Revenue), shall be deemed to be the appointing authority till 7-7-1959.

6. *Ratio for promotion between graduates and non-graduates.*—The provisions relating to graduate-non-graduate ratio and restricion on the non-graduates for promotions laid down in Government Proceedings No. R. Dis.19556/50/CS dated 25-8-1951 as subsequently clarified from time to time shall apply in the matter of promotion:

Provided that this rule shall not apply to the officers to whom the above provisions were not applicable till 1-11-1956.

7. *Qualification regarding age.*—The rule regarding the minimum and maximum age limits prescribed by the Government from time to time shall apply in the case of direct recruitment.

8. *Minimum General Educational Qualification.*—No person shall be eligible for appointment to any category unless he possesses the minimum general educational qualification of the S.S.L.C. standard.

9. *Special Qualifications.*—No candidate shall be eligible for appointment to any of the categories specified in column (1) of the Table below unless he possessed the qualifications specified in the corresponding entry in column (2) thereof.

TABLE

Category	*Qualifications*
(1)	(2)
Upper Division Clerk	Shall pass the following tests: (a) Revenue Test (Travancore, Cochin or Madras): Provided that pass in the above test shall not be necessary for appointment to the category from among Upper Division Typists and Stenographers: Provided further that pass in the above test shall be obligatory only from 14-1-1963. (b) Account Test (Lower): Provided that pass in the above test will be obligatory only from 1-1-1964: Provided further that a pass in Account Test for Subordinate Officers Part I (Madras) shall be accepted as sufficient qualification in lieu of pass in the above test;

(1)	(2)
	(c) Secretariat Manual Test upto 20-2-1958 and District Office Manual Test thereafter: Provided that allotted officers who have completed 45 years of age on 14-1-1963 shall be exempted from passing the tests mentioned in clauses (b) and (c): Provided further that in the case of those who have passed Revenue Test Part I (Madras) which includes Test in District Office Manual also, the requirement of a pass in Secretariat Manual Test or District Office Manual Test referred to in clause (c) shall not be insisted on.

10. *Probation.*—Every person appointed to categories 1 and 2 shall be on probation for a total period of one year on duty within a continuous period of two years and every person appointed to category 3 by direct recruitment or by recruitment by transfer shall be on probation for a total period of two years on duty within a continuous period of three years:

Provided that this rule shall come into force only with effect from the date of publication of these Rules in the Gazette.

11. *Special Test to be passed during the period of Probation.*—Every person on probation in category 3 shall pass the test in District Office Manual during the period of probation.

By order of the Governor,

N. Gopalakrishnan Nair,

Special Secretary.

Explanatory Note

(This note does not form part of the Notification but is intended to indicate its general purport).

As per G.O. (P) 413/RD dated 14-5-1975 Government issued special rules in respect of the posts of Head Clerks including Head Accountants, U. D. Clerks and L. D. Clerks borne on the establishment of the Land Revenue Department.

In the common judgment dated 6-2-1979 in Writ Appeals Nos. 255, 292, 293, 294, 295, 296, 297 of 1977 and 158, 166, 174, 175, 176, 177, 178, 179, 180 and 232 of 1978 filed by the State, a Division Bench of the High Court of Kerala held that the Account Test prescribed in the Rules issued in G.O. (P) No. 413 /75/RD dated 14-5-1975 applicable to the clerical cadre in the Land Revenue Department was not a new test introduced therein but was prescribed as per G.O. (P) No. 455/PD dated 23-10-1963 as decided in *Somasekharan Nair v. The Director of Employment* [ILR 1978 (1) Kerala 175]. It was ruled in that judgment that the 'prescription' of two tests was made only under the Government Order dated 23-10-1963 when the syllabi and the modus operandi for passing the test were announced. In paragrapb 7 of the G.O. (P) No. 455/PD dated 23-10-1963 it had been stipulated that the orders therein would come into force with effect from 1-1-1964. As regards the Revenue Test, it was held that it was not a 'new' test in respect of persons who were allotted from Madras State; but in respect of persons who were recruited in Kerala State after 1-11-1956 and till 14-1-1963 it would be a 'new' test.

Subsequently in the common judgment dated 11-6-1979 in O.P.Nos. 3026, 5356, 5357, 5537, 5704 of 1975 and 750 of 1977 reported in ILR 1979 (2) Kerala 743 and in 1979 (2) SLR 609, a Division Bench of High Court of Kerala held that as explained in *Daniel v. Board of Revenue* [ILR 1975 (1) Kerala 434], *State of Kerala v. Haridas* (1978 KLT 238) and *Sahadeva Kurup v. Board of Revenue* [ILR 1979 (1) Kerala 275], the rules issued in G.O. (P) No. 413/RD dated 14-5-1975 being fresh rules and orders, other than that for the repeal of the Madras Ministerial Services Rules, could have operation only from the date of commencement of the Kerala Public Services Act, 1968 viz., 17-9-1968. But the provision in the preamble for supersession of all the earlier rules on the subject contained in the Madras Ministerial Service Rules as well the prior orders of the T. C. Government would have retrospective effect from 1-11-1956. The Court had also decided that the provisions contained in Notes 4 and 5 appended to item 2 of Rule 2, the 4th proviso under item (ii) to Rule 8 and the Note thereto, constituted arbitrary and unfair discrimination against the Lower Division Clerks allotted to Kerala from Madras State. Since it was manifest that Notes (4) and (5) and the proviso to item (ii) to Rule 8 were integral parts of Rules 2 and 8 and they would not be regarded as severable, the Court struck down Rules 2 and 8.

These rules are issued modifying or deleting the offending provisions in the earlier rules in pursuance of the judgments referred to.

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GOVERNMENT OF KERALA

Abstract

LAND REVENUE DEPARTMENT—ESTABLISHMENT—THE KERALA REVENUE SUBORDINATE SERVICE (DEPUTY TAHSILDARS)—SPECIAL RULES—ISSUED

REVENUE (C) DEPARTMENT

G. O. (P) No. 852/80/RD. **Dated, Trivandrum, 16th June 1980.**

NOTIFICATION

S. R. O. No. 551/80.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), and in supersession of the Special Rules for the Kerala Revenue Subordinate Service published under Notification G. O. (P) No. 529/Revenue dated the 25th May 1974 as S. R. O. No. 369/74 in the Kerala Gazette Extraordinary No. 448 dated the 25th May 1974, and all other existing rules and orders on the subject, the Government of Kerala hereby make the following Special Rules for the Kerala Revenue Subordinate Service, namely:—

RULES

1. *Short title and commencement.*—(a) These rules may be called the Kerala Revenue Subordinate Service Special Rules, 1980.

(b) They shall be deemed to have come into force on the 25th September 1962.

33/2170/MC.

2. *Constitution.*—The Service shall consist of Deputy Tahsildars.

3. *Definition.*—In these rules 'Deputy Tahsildars' shall mean and include Taluk Deputy Tahsildars, Headquarters Deputy Tahsildars, Special Deputy Tahsildars, Deputy Tahsildars on other special duties, Junior Superintendents in all Offices of the Revenue Department, Valuation Assistants, Jenmikaram Auditor in the office of the Board of Revenue, Assistant Punja Special Officers and Manager, Survey and Land Records Department.

4. *Appointment.*—(1) Appointment of Deputy Tahsildars shall be made by,—

(i) recruitment by transfer from among the members of the Kerala Ministerial Subordinate Service employed in the Land Revenue Department; and

(ii) direct recruitment.

(2) Every fifth substantive vacancy in the cadre of Deputy Tahsildar shall be filled or reserved to be filled by direct recruitment.

5. *Appointing Authority.*—The appointing authority of Deputy Tahsildars shall be the Board of Revenue.

6. *Reservation of Appointments.*—Rules 14 to 17 of the General Rules regarding reservation shall apply to appointments by direct recruitment to the service.

7. *Qualifications.*—No person shall be eligible for appointment to the service, by method specified in column (1) of the Table below unless he possesses the qualifications prescribed in the corresponding entry in column (2) thereof:

TABLE

(1) *Method of appointment*	(2) *Qualifications*
Transfer	(i) Must possess the minimum general educational qualification of the S. S. L. C. standard. (ii) Must have passed the following tests:— (1) Revenue Test (Travancore) or Revenue Test (Cochin) or Revenue Test (Madras). (2) Account Test (Lower) or Account Test for Subordinate Officers Part—I (Madras).

(1)	(2)
	(3) District Office Manual Test: Provided that a pass in the District Office Manual Test shall not be necessary in the case of person who has passed Manual of Office Procedure Test or Secretariat Manual Test or Revenue Test (Madras) which included a paper in the District Office Manual also.
	(iii) Must have rendered satisfactory service for a period of not less than 6 years in a post not lower in rank than the category of a Lower Division Clerk, of which at least two years should have been on duty in the post of Upper Division Clerk.
Direct Recruitment	Must possess the degree of B.A., or B.Sc. or B.Com. of any recognised University.

8. *Qualification regarding age.*—No person shall be eligible for appointment to the service by direct recruitment if he has not completed the age of 18 years or has completed the age of 35 years on the 1st day of January of the year in which applications for the posts are invited.

9. *Probation.*—Every person appointed as Deputy Tahsildar shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years.

10. *Tests and Training.*—A probationer shall, within the prescribed period of his probation, undergo the training prescribed in the Annexure to these rules and pass the following tests if he has not already passed them:—

(1) The District Office Manual Test.

(2) The Revenue Test (Travancore) or Revenue Test (Cochin) or Revenue Test (Madras)

(3) The Criminal Judicial Test

(4) The Account Test (Lower) or Account Test for Subordinate Officers, Part I (Madras)

(5) Survey Test (Higher).

Provided that a probationer who holds a degree in Law of any recognised University shall not be required to pass the Criminal Judicial Test:

Provided further that Survey Test (Higher) shall be made compulsory from the 1st January 1974:

Provided also that the training as laid down in the Annexure to these Rules shall not be applicable in the case of those appointed by transfer.

11. *Unit of appointment, discharge, re-appointment, seniority and appointment as full member.*—For purpose of appointment to the Service, discharge, re-appointment, seniority and appointment as full member, the State shall be the unit.

ANNEXURE

(*See* rule 10)

Scheme of Training

1.	(1)	Training in the Collector's and Taluk Offices (to get an idea of official routine)	2 weeks
	(2)	Training with a Village Officer (the probationary Deputy Tahsildar should hold independent charge of Village for the last two weeks)	5 weeks
	(3)	Training with a Firka Revenue Inspector (During the second half of the period of this training he should hold independent charge of Firka)	2 months
	(4)	Higher Survey Training and maintenance of Survey records	3 months
	(5)	Training with a Taluk Surveyor	1 month
	(6)	Training in the different branches of a Taluk Office (During this period the probationer will attend to the work relating to ceiling returns for two weeks)	3 months
	(7)	Training with a Special Tahsildar (Land Tribunal) (During this training the probationery Deputy Tahsildar should work with the Special Revenue Inspector for one week, with the Head Ministerial Officer for one week and with the Special Tahsildar for 2 weeks)	4 weeks
	(8)	Training with Senior/Junior Superintendent of Revenue Divisional Office	3 months
	(9)	Training in the different branches of a Collector's office (During this period the probationer should be given training with the Deputy Collector (Land Reforms) for 2 weeks).	3 months

(10) Training in a Sub Treasury	1 week
(11) Training with the Taluk Supply Officer	1 week
(12) Training with a District Supply Officer	1 week
(13) Training with a Block Development Officer	2 weeks
(14) Police and Magisterial Training	3 weeks

2. The probationery Deputy Tahsildar will work independently as Deputy Tahsildar for 3 months.

3. The Heads of Departments will issue immediate instructions to their concerned subordinate officers for the training of Deputy Tahsildar when he is attached to their respective departments for training.

4. The Collector of the District may at his discretion vary the order of various items of the training prescribed above.

5. The Collector should submit a report to the Board of Revenue immediately on completion of the training of the probationary Deputy Tahsildar prescribed above stating whether he has undergone the training satisfactorily and whether he is fit to work as an independent Deputy Tahsildar. If the Collector feels that the probationary Deputy Tahsildar has not undergone any of the items of training satisfactorily and should be made to undergo training in that item for a further period he should make a report to that effect to the Board of Revenue and obtain orders on the matter.

By order of the Governor,

N. Gopalakrishnan Nair,
Special Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

Sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), confers power on the Government to make rules either prospectively or retrospectively to regulate the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the State. The Act came into force on the 17th September, 1968. In *State of Kerala V. Haridas* (1978 KLT 238) a Full Bench of the Kerala High Court has held that on a construction of sub section (1) of section 2 of the Act the authority conferred on the Government under that sub-section is to make rules prospectively

as also restrospectively but such retrospectivity does not extend to any period prior to the commencement of the Act. This decision has taken away the retrospective operation prior to the date of commencement of the Act, of various special rules issued under the Act with retrospective effect from dates prior to the date of commencement of the Act, causing administrative chaos and confusion, leading to reopening of settled matters. In order to sustain the retroactivity of the Special Rules for the Kerala Revenue Subordinate Service issued in G.O. (P)529/Revenue dated 25-5-1974 and published in the Kerala Gazette Extraordinary No. 448 dated the 25th May 1974 as S.R.O. No. 369/74, it has become necessary to re-issue the Special Rules as amended subsequently.

The Committee on Subordinate Legislations (1976-77) has in the 13th Report recommended some amendments to the Special Rules for the Kerala Revenue Subordinate Service. After careful consideration of those recommendations Government have decided to accept some of them and to incorporate them in the above Special Rules.

This notification is intended to achieve the above objects.

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